

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

CHRISTINE ST. JOHN and)	
DEBORAH SCHROEDER DYSERT,)	
)	
Plaintiffs,)	
)	
v.)	3:10-cv-42-RLY-WGH
)	
MICHAEL FRITCH, individually and)	
in his capacity as Prosecutor of)	
Dubois County, Indiana; DUBOIS)	
COUNTY; and the STATE OF INDIANA,)	
)	
Defendants.)	

**ORDER ON DEFENDANTS' MOTION TO
COMPEL THE PRODUCTION OF EVIDENCE**

This matter is before the Honorable William G. Hussmann, Jr., United States Magistrate Judge, on Defendants' Motion to Compel the Production of Evidence filed by Defendant Michael Fritch on November 24, 2010. (Docket No. 53). The Plaintiffs' Response was filed on December 6, 2010. (Docket No. 54). No reply brief has been filed.

A hearing on the record was conducted on December 10, 2010, at 3:00 p.m., at which the parties were represented by counsel.

The Magistrate Judge, being duly advised, now **GRANTS, in part,** and **DENIES, in part,** the motion to compel.

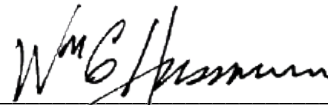
The Magistrate Judge concludes that the deposition of Mr. Fritch shall commence before the production of the tape recorded conversations. Copies of all such tapes shall be produced and provided to Mr. Fritch immediately after he

has testified concerning his recollections of those conversations. At that point in time, the deposition may be adjourned for Mr. Fritch to review those tapes. He will then be allowed to be questioned by his own counsel as to whether any previously answered question should be amended or changed as a result of his recollection being refreshed by review of the tape recordings. The continuation of Mr. Fritch's deposition shall be considered to be a single deposition and shall not be considered by the Court to be a separate statement or deposition used to contradict prior sworn testimony. The costs of the continuation of Mr. Fritch's deposition shall be borne by the Plaintiffs.

Any appeal of the Magistrate Judge's decision in this matter must be filed within ten (10) days of the date of this entry.

SO ORDERED.

Dated: December 20, 2010



William G. Hussmann, Jr.
United States Magistrate Judge
Southern District of Indiana

Electronic copies to:

Brandi L. Bennett
ICE MILLER LLP
bennett@icemiller.com

Laura Lee Bowker
OFFICE OF THE INDIANA ATTORNEY GENERAL
laura.bowker@atg.in.gov

Mark W. Ford
ICE MILLER LLP
mark.ford@icemiller.com

Greg J. Freyberger
KAHN DEES DONOVAN & KAHN, LLP
gfreyberger@kddk.com

Thomas Eugene Mixdorf
ICE MILLER LLP
thomas.mixdorf@icemiller.com

Aaron R. Raff
KRIEG DEVAULT LLP
aaron.raff@atg.in.gov